

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

KENIA GALEAS MARTINEZ,

Petitioner

v.

ERIC H. HOLDER, et al.

Respondents

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3:14-CV-01731

(JUDGE MARIANI)

MEMORANDUM

Introduction

Petitioner Kenia Galeas Martinez, formerly a detainee of the United States Department of Homeland Security, Immigration and Customs Enforcement ("ICE") at York County Prison, has filed a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2241. (Doc. 1). In her habeas petition, Martinez challenged her continued detention by ICE pending removal from the United States and sought release from ICE custody pending removal. *Id.* Martinez did not challenge the underlying order of deportation. *Id.*

On October 16, 2014, Respondents filed a response to Martinez's petition, arguing that her continued detention was permissible, and urging this Court to deny Martinez's petition. (Doc. 6). On December 15, 2014, Respondents filed a document informing this Court that Martinez had been removed from the United States on November 21, 2014. (Doc. 7). As such, Respondents now urge this Court to dismiss the petition as moot. *Id.* A

search conducted using ICE's detainee locator system confirms that Martinez, detainee number A098-656-755, is no longer in ICE custody.

Discussion

Article III of the United States Constitution limits federal courts to the adjudication of only ongoing cases and controversies. U.S. Const. art. III, § 2, cl. 1. This requires, *inter alia*, that if at any time the petitioner does not have a "personal stake in the outcome" of the suit, "the case must be dismissed as moot." *Blanciak v. Allegheny Ludlum Corp.*, 77 F.3d 690, 698-99 (3d Cir. 1996). Consequently, where an ICE detainee challenges only his or her continued detention and not the underlying order of removal, the habeas petition becomes moot upon removal from the United States. *E.g.*, *Tjandra v. Ashcroft*, 110 F.App'x 290 (3d Cir. 2004).

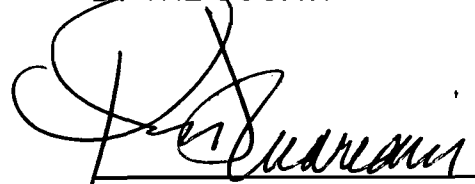
Accompanying Respondents' December 15, 2014 document to this Court is a warrant of removal demonstrating that Martinez was removed from the United States, and hence from ICE custody, on November 21, 2014. (Doc. 7, Ex. A). ICE's detainee locator system confirms that Martinez is no longer in ICE custody. As Martinez only challenged the validity of her continued detention, and because she is no longer in detention, her petition for writ of habeas corpus has been rendered moot. *Tjandra*, 110 F.App'x at 290.

Conclusion

A review of the record reveals that Martinez's petition for a writ of habeas corpus is moot, and will therefore be dismissed.

An appropriate Order will be entered.

BY THE COURT:



Robert D. Mariani
United States District Judge

Dated: December 23, 2014